IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 12773 of 2004

Between:

Rayala Nageswara Rao, s/o Venkateswarlu,aged 40 years,
Working as Clerk in Primary Agricutural Co.operative Society, Penugolanu,
Gampalagudem Mandalam, Krishna District.

..... PETITIONER

AND

1 The District Co.operative Officer, Krishna District at Machilipatnam.
2 The Divisional Co-operative Officer, Nuzvid, Krishna District.
3 The Deputy Registrar of Co.operative Societies, Nuzvid, Krishna

District.
4 The Chair Person, Primary Agrl.Co.operative Society, Penugolanu,

Gopalagudem Mandalam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari, calling for records Notice dated10-7-2004 passed by the 4th respondent herein is illegal, improper, and unjust and violation of Article 14 of the Constitution of India and liable to be quashed and consequently direct the respondents herein to regularise the petitioner's services with all consequential benefits as Clerk.

Counsel for the Petitioner:MRS.Y.ANUPAMA DEVI

Counsel for the Respondents: GP FOR COOPERATION
Counsel for the Respondent No.4: None appeared.

The Court made the following :

O R D E R :

The petitioner is an employee of the 4th respondent-Primary Agricultural Co-operative Society, Penugolanu. The learned Counsel appearing for the petitioner submits that the petitioner was appointed as Clerk in the place of one Narasimha Rao who was terminated by resolution dated 02-07-1994 passed by the 4th respondent-Society and the petitioner joined as Clerk in the 4th respondent's society on 04-07-1994. It is stated that the appointment of the petitioner is in conformity with Section 116-C of the A.P. Co-operative Societies Act, 1964 and in the approved vacant post only the petitioner was appointed. But, the services of the petitioner were terminated pursuant to the directions issued by the Co-operative Officers from 21.07.2004. The petitioner questions the said termination notice, dated 10.7.2004 issued by the 4th respondent-Society, dated 10.7.2004.

2. A perusal of the said notice discloses that as per the directions of the Co-operative Officers of Andhra Pradesh, the 4th respondent-Society removed the petitioner from service. It is not an independent exercise made by the Society in removing the petitioner from service under the provisions of the A.P. Co-operative Societies Act, but on the
directions of the Co-operative Officers only, the said notice has been issued to the petitioner without disclosing any reasons and without any justification whatsoever. The 4th respondent-Society cannot remove its employees based on the directions of the Cooperative Officers, as the said direction is not in conformity with the provisions of Section 116-C of the A.P. Co-operative Societies Act, 1964.

3. Accordingly, the Writ Petition is allowed. It is open for the 4th respondent to pass appropriate orders in conformity with
the provisions of Section 116-C of the A.P. Co-operative Societies Act, 1964. No costs.

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V. ESWARAIAH, J

Dated:02-11-2004.

ccm/shr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Devinder Gupta, the Chief Justice on this Tuesday, the Second day of November, Two thousand and four.

ASSISTANT REGISTRAR

Dated:02.11.2004,

Ccm

To:

1 The District Co.operative Officer, Krishna District at Machilipatnam.
2 The Divisional Co-operative Officer, Nuzvid, Krishna District.
3 The Deputy Registrar of Co.operative Societies, Nuzvid, Krishna

District.
4 The Chair-Person, Primary Agrl.Co.operative Society, Penugolanu,

Gopalagudem Mandalam, Krishna District.

5 2 CCs to the G.P. for Cooperation, High Court Buildings,

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